AMENDMENTS TO THE CLAIMS:

1. (Currently amended) A medical article comprising an implantable substrate having a coating, the coating including an ABA or an AB block copolymer, the block copolymer having ~~moieties~~ A and B blocks, wherein one of the ~~moieties~~ blocks comprises a biological moiety that produces a biological response and the other block comprises a structural moiety that provides the block copolymer with structural functionality, and

wherein at least one of the A or B blocks comprises poly(ethylene glycol).

2. (Original) The medical article of Claim 1, wherein the medical article is a stent.

3. (Currently amended) The medical article of Claim 1, wherein block A ~~is~~ comprises the biological moiety, and block B ~~is~~ comprises the structural moiety.

4. (Currently amended) The medical article of Claim 1, wherein block B ~~is~~ comprises the biological moiety, and block A ~~is~~ comprises the structural moiety.

5. (Original) The medical article of Claim 1, wherein the biological moiety is selected from a group consisting of poly(alkylene glycols), poly(ethylene oxide), poly(ethylene oxide-co-propylene oxide), poly(N-vinyl pyrrolidone), poly(acrylamide methyl propane sulfonic acid) and salts thereof, sulfonated dextran, polyphosphazenes, poly(orthoesters), poly(tyrosine carbonate), hyaluronic acid, hyaluronic acid having a stearoyl or palmitoyl substitutent group, poly(ethylene glycol)-hyaluronic acid, poly(ethylene glycol)-hyaluronic acid-stearoyl, poly(ethylene glycol)-hyaluronic acid-palmitoyl, heparin, poly(ethylene glycol)-heparin, and copolymers thereof.

6. (Original) The medical article of Claim 5, wherein the poly(alkylene glycol) is

selected from a group consisting of poly(ethylene glycol), poly(propylene glycol), poly(tetramethylene glycol), a graft copolymer of poly(L-lysine) and poly(ethylene glycol), and copolymers thereof.

7. (Original) The medical article of Claim 1, wherein the structural moiety comprises poly(caprolactone), poly(butylene terephthalate), poly(ester amide), poly(lactic acid),or copolymers thereof.

8. (Currently amended) The medical article of Claim 1, wherein the block copolymer is selected from a group consisting of poly(ethylene-glycol)-block-poly(caprolactone)-block-poly(ethylene-glycol), poly(caprolactone)-block-poly(ethylene-glycol)-block poly(caprolactone), poly(ethylene-glycol)-block-poly(butyleneterephthalate)-block-poly(ethylene-glycol), poly(butyleneterephthalate)-block-poly(ethylene-glycol)-block poly(butyleneterephthalate), poly(ethylene-glycol)-block-poly(butyleneterephthalate), poly(ethylene-glycol)-block-poly[[ ]](lactic acid)-block-poly(ethylene-glycol), poly[[ ]](lactic acid)-block-poly(ethylene-glycol)-block-poly(lactic acid) and blends thereof.

9. (Original) The medical article of Claim 1, additionally comprising a first biologically active agent incorporated into the coating.

10. (Original) The medical article of Claim 1, additionally comprising an active agent conjugated to the block copolymer.

11. (Original) The medical article of Claim 10, wherein the active agent conjugated to the block copolymer is diazenium diolate.

12. (Currently amended) A method for fabricating a medical article, the method in-

cluding applying a coating on at least a portion of an implantable substrate, the coating including an ABA or an AB block copolymer, wherein ~~one of the moieties in the block copolymer produces a biological response and the other moiety provides the block copolymer with structural functionality~~ the block copolymer has A and B blocks, wherein one of the blocks comprises a biological moiety that produces a biological response and the other block comprises a structural moiety that provides the block copolymer with structural functionality, and

wherein at least one of the A or B blocks comprises poly(ethylene glycol).

13. (Original) The method of Claim 12, wherein the medical article is a stent.

14. (Currently amended) The method of Claim 12, wherein block A ~~is~~ comprises the biological moiety, and block B ~~is~~ comprises the structural moiety.

15. (Currently amended) The method of Claim 12, wherein block B ~~is~~ comprises the biological moiety, and block A ~~is~~ comprises the structural moiety.

16. (Original) The method of Claim 12, wherein the biological moiety is selected from a group consisting of poly(alkylene glycols), poly(ethylene oxide), poly(ethylene oxide-co-propylene oxide), poly(N-vinyl pyrrolidone), poly(acrylamide methyl propane sulfonic acid) and salts thereof, sulfonated dextran, polyphosphazenes, poly(orthoesters), poly(tyrosine carbonate), hyaluronic acid, hyaluronic acid having a stearoyl or palmitoyl substitutent group, poly(ethylene glycol)-hyaluronic acid, poly(ethylene glycol)-hyaluronic acid-stearoyl, poly(ethylene glycol)-hyaluronic acid-palmitoyl, heparin, poly(ethylene glycol)-heparin, and copolymers thereof.

17. (Original) The method of Claim 16, wherein the poly(alkylene glycol) is selected from a group consisting of poly(ethylene glycol), poly(propylene glycol),

poly(tetramethylene glycol), a graft copolymer of poly(L-lysine) and poly(ethylene glycol), and copolymers thereof.

18. (Original) The method of Claim 12, wherein the structural moiety comprises poly(caprolactone), poly(butylene terephthalate), poly(ester amide), poly(lactic acid), or copolymers thereof.

19. (Currently amended) The method of Claim 12, wherein the block copolymer is selected from a group consisting of poly(ethylene-glycol)-block-poly(caprolactone)-block-poly(ethylene-glycol), poly(caprolactone)-block-poly(ethylene-glycol)-block poly(caprolactone), poly(ethylene-glycol)-block-poly(butyleneterephthalate)-block-poly(ethylene-glycol), poly(butyleneterephthalate)-block-poly(ethylene-glycol)-block poly(butyleneterephthalate), poly(ethylene-glycol)-block-poly(butyleneterephthalate), poly(ethylene-glycol)-block-poly[[ ]](lactic acid)-block-poly(ethylene-glycol), poly[[ ]](lactic acid)-block-poly(ethylene-glycol)-block-poly(lactic acid) and blends thereof.

20. (Original) The method of Claim 12, additionally comprising a first biologically active agent incorporated into the coating.

21. (Original) The medical article of Claim 12, additionally comprising an active agent conjugated to the block copolymer.

22. (Original) The medical article of Claim 21, wherein the active agent conjugated to the block copolymer is diazenium diolate.

23. (Original) A medical article comprising an implantable substrate having a coating, the coating comprising phosphoryl choline or polyaspirin.

REMARKS

Please reconsider this application in view of the above amendments and the following remarks.

- Claims 1-23 are pending.
- Claims 1-23 are rejected.

Applicant has amended the specification to correct various typographical or grammatical errors. These amendments do not added new matter.

Additionally, Applicant has amended the claims to address the Examiner's rejections under 35 U.S.C. § 112. These amendments do not add new matter.

Finally, Applicant has amended the lead claims to recite the following: "wherein at least one of the A or B blocks comprises poly(ethylene glycol)." Support for this amendment can be found in the specification, as filed. This amendment does not add new matter.

Non-art-based rejections

The Office has rejected claims 3-7 and 14-18 under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With respect to claims 3, 4, 14, and 15, rejected in sections 4 and 5 of the current office action, Applicant notes that each of these claims' ultimate parent claim recites "AB block copolymers" or "ABA block copolymers". These types of block copolymers inherently have an A block or B block, respectively. Therefore, the parent claims provide sufficient antecedent basis for the recitation of elements in these dependent claims. Nonetheless, Applicant has amended these claims to explicitly provide antecedent basis.

Since this amendment merely makes explicit what was already inherent in the claims, this amendment does not change the scope of the claims.

With respect to claims 5 and 16, rejected in section 6 of the current office action, Applicant has more clearly recited that the moiety that produces a biological response is called a "biological moiety". This amendment does not change the scope of the claims.

With respect to claims 6 and 17, rejected in section 7 of the current office action, Applicant notes that each of these claims introduce the limitation poly (ethylene glycol) and therefore does not understand the Office's rejection: poly(ethylene glycol) is recited throughout the specification. Therefore, the limitation in claims 6 and 17 has proper antecedent basis.

Please remove these rejections of the claims.

Art-based rejections

The Office has rejected claims 1-10 and 12-21 under 35 USC §102(b) as being anticipated by Goldstein et al., U.S. Patent No. 6,143,037 (D1).

As amended, Claims 1 and 12 recite "wherein at least one of the A or B blocks comprises poly(ethylene glycol)."

D1 does not teaches this element. Therefore, D1 does not anticipate these claims. Please remove this rejection.

Claims 2-10 and 13-21 depend from Claims 1 and 12 and contain all their limitations. This makes the dependent claims patentable over D1 for at least the same reasons as their parent claims. Please remove the rejection of these claims, as well.

Moreover, because this rejection does not amount to prima facie obviousness or anticipation, Applicant is under no duty to address the remainder of the Examiner's discussion in this section of the office action including dependent-claim discussions. But

should such a duty arise in the future, Applicant reserves the right to address those discussions then. Applicant specifically does not acquiesce to the facts, assumptions, or reasoning contained in this section.

The Office has rejected claims 11 and 22 under 35 USC §103(a) as being unpatentable over D1 in view of Pinchuk et al., United States Pre-Grant Publication No. 2002/0107330 (D2), and has rejected claim 23 over D1 in view of Taylor et al., PCT publication number WO 97/16133 (D3).

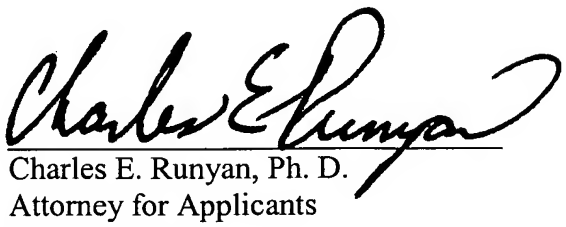
Claims 1 and 12 recite "wherein at least one of the A or B blocks comprises poly(ethylene glycol)." As discussed above, D1 fails to teach this element. And D2 or D3 fail to rectify this omission, respectively. Therefore, D1 combined with D2 or combined with D3 fails to teach this element.

Claims 11 and 22 depend from Claims 1 and 12 and contain all their limitations. This makes the dependent claims patentable over D1 in view of D2 or in view of D3 at least because the combination fails to teach the elements discussed above. Please remove these rejections of the claims.

Moreover, because this rejection does not amount to prima facie obviousness or anticipation, Applicant is under no duty to address the remainder of the Examiner's discussion in this section of the office action including dependent-claim discussions. But should such a duty arise in the future, Applicant reserves the right to address those discussions then. Applicant specifically does not acquiesce to the facts, assumptions, or reasoning contained in this section.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,



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